

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

OWEN P. MARTIKAN (CABN 177104)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7241
Facsimile: (415) 436-7234
owen.martikan@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLARENCE RUSTY TOMLIN,

Defendant.

No.: CR 08-0358 PJH

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME**

On July 2, 2008 and July 23, 2008, the parties in this case appeared before the Court for status conferences. The parties stipulated and the Court agreed that time should be excluded from the Speedy Trial Act calculations from July 2, 2008, through August 6, 2008, for effective preparation of defense counsel. The parties represented that granting the continuance was the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public

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STIP. & [PROPOSED] ORDER EXCLUDING TIME
CASE NO. CR08-0358 PJH

1 and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(8)(A).

2 SO STIPULATED:

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6 DATED: 7/31/08

JOSEPH P. RUSSONIELLO
United States Attorney

OWEN P. MARTIKAN
Assistant United States Attorney

7
8
9 DATED: 7/31/08

Barry J. Portman
BARRY J. PORTMAN
Federal Public Defender
Attorney for Clarence Rusty Tomlin

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12 **[PROPOSED] ORDER**

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14 As the Court found on July 2, 2008, and July 23, 2008, and for the reasons stated above, an
15 exclusion of time from July 2, 2008, through August 6, 2008, is warranted because the ends of
16 justice served by the continuance outweigh the best interests of the public and the defendant in a
17 speedy trial. *See* 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance
18 would deny defense counsel the reasonable time necessary for effective preparation, taking into
19 account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C.
20 §3161(h)(8)(B)(iv).

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22 SO ORDERED.

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24 DATED: _____

HON. PHYLLIS J. HAMILTON
United States District Judge